

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

DUANE & VIRGINIA LANIER TRUST,
individually and on behalf of all others
similarly situated,

Plaintiffs,

Case No. 5:15-CV-00634-G

v.

SANDRIDGE MISSISSIPPIAN TRUST I,
et al.,

Defendants.

**REPLY MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS' MOTION
FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT, FINAL
CERTIFICATION OF CLASS, AND TO MODIFY PLAN OF ALLOCATION**

Lead Plaintiffs the Duane & Virginia Lanier Trust, Ivan Nibur, Jase Luna, Matthew Willenbucher, and Reed Romine (“Plaintiffs”), on behalf of themselves and the Settlement Class, submit this reply memorandum of law in further support of their Motion for Final Approval of the Class Action Settlement, Final Certification of the Class, and to Modify the Plan of Allocation. Plaintiffs also submit the Supplemental Declaration of Josephine Bravata Concerning: (A) Mailing of the Notice and Claim Form; and (B) Report on Requests for Exclusion and Objections, dated September 9, 2022 (“Supp. Bravata Decl.”), filed herewith as Exhibit A, in support of their motion. Unless otherwise indicated, all capitalized terms not otherwise defined herein are defined in the Stipulation and Agreement of Settlement (the “Stipulation”) filed on November 16, 2021. ECF No. 463.

The Court-ordered deadline for Settlement Class Members to object to the Settlement, Plan of Allocation, requested attorneys’ fees and expenses, or requested awards to Plaintiffs, or to opt out of the Settlement Class, was September 2, 2022. There have been no objections to the Settlement or any other relief Plaintiffs have requested. ECF No. 474-1, (“Bravata Decl.”) at ¶13; Supp. Bravata Decl. ¶¶7-8. As of Plaintiffs’ Motion for Final Approval of the Class Action Settlement, Final Certification of the Class, and to Modify the Plan of Allocation, filed on August 12, 2022, the Claims Administrator had received one request for exclusion. ECF No. 474-1, (“Bravata Decl.”) at ¶13. “The [C]ourt is allowed to [] give the lack of objections substantial weight in approving the proposed settlement.” *Hodge v. Signia Mktg., Ltd.*, 2017 WL 5900344, at *2 (D. Colo. Nov. 30, 2017). Similarly, a lack of objections to the attorneys’ fees “is significant and weighs in

favor of the requested award.” *In re Crocs, Inc. Sec. Litig.*, 2014 WL 4670886, at *5 (D. Colo. Sept. 18, 2014).

Only one Settlement Class Member, who purchased 25 Trust units, has opted out of the Settlement. Supp. Bravata Decl. ¶¶7-8; Bravata Dec. Ex. D. That only one Settlement Class Member, with de minimis shares, sought exclusion, supports approval of the Partial Settlement and the other relief Plaintiffs request. *Peace Officers' Annuity & Benefit Fund of Georgia v. DaVita Inc.*, 2021 WL 1387110, at *5 (D. Colo. Apr. 13, 2021).

CONCLUSION

For the reasons stated herein and in Plaintiffs’ previously filed memoranda, the Court should enter the [Proposed] Order and Partial Final Judgment, filed herewith.

DATED: September 9, 2022

Respectfully submitted,

THE ROSEN LAW FIRM, P.A.
Laurence M. Rosen, Esq. (admitted *pro hac vice*)
Phillip Kim, Esq. (admitted *pro hac vice*)
Jonathan Horne, Esq. (admitted *pro hac vice*)

/s/

JONATHAN HORNE

275 Madison Avenue, 40th Floor
New York, NY 10016
Telephone: (212) 686-1060
lrosen@rosenlegal.com
pkim@rosenlegal.com
jhorne@rosenlegal.com

Lead Counsel for Plaintiffs

FARHA LAW, PLLC
Nicholas G. Farha, OBA No. 21170
1900 NW Expressway, Suite 501
Oklahoma City, OK 73118
Telephone: (405) 471-2224
nick@farhalawfirm.com

Liaison Counsel for Plaintiffs

WOHL & FRUCHTER, LLP
J. Elazar Fruchter, Esq.
570 Lexington Avenue, 16th Floor
New York, NY 10022
Telephone: (212) 758-4000
jfruchter@wohlfchuter.com

Additional Plaintiffs' Counsel

CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2022, a true and correct copy of the foregoing document was served by CM/ECF to the Parties registered to the Court's CM/ECF system.

/s/Jonathan Horne

JONATHAN HORNE